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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,279	03/30/2004	Mikko Repka	KOLS.102PA	4536

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Hollingsworth & Funk, LLC
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EXAMINER

ORR, HENRY W

ART UNIT	PAPER NUMBER
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2176

MAIL DATE	DELIVERY MODE
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11/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Advisory Action Before the Filing of an Appeal Brief	Application No. 10/813,279	Applicant(s) REPKA, MIKKO	
	Examiner Henry Orr	Art Unit 2176	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): 35 U.S.C. 112 2nd Rejection to claims 3,8,9.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-21.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.

/Doug Hutton/
Supervisory Patent Examiner
Technology Center 2100

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's argues Beaton does not teach a floatable control area having a control block for changing the location of the floatable control area in a display area of an electronic device, as claimed in each of the independent claims. In contrast, Beaton's navigation tool (asserted as corresponding to the claimed floatable control area) remains in the center of a device's display as illustrated in Figs. 10A-C of Beaton. The Examiner's reliance on the change in the text underlying the navigation tool ("by changing the underlying area of displayed text location of the navigation tool, the navigation tool location is indirectly changed") is misplaced and fails to correspond to the claimed limitations in that such an assertion ignores the limitations directed to "changing the location of the floatable control area in a display area of the electronic device." The fact that the location of Beaton's navigation tool has changed within a displayed document does not correspond to the claimed changing location in a display area of an electronic device. For example, the assertion at page four that "[t]he location of the navigation tool changes to the right of the display when the right arrow is pressed" is incomplete as Beaton actually teaches that the location of the navigation tool in the displayed text changes to the right of the originally displayed text when the right arrow is pressed. The location changes of the navigation tool relate to the displayed text and not to the display area of the device, as claimed. (see Response page 7 last full paragraph).

Examiner respectfully disagrees.

Applicant admits that the location changes of the navigation tool relate to the displayed text. Examiner interprets the displayed text to be the location of the navigation tool ("floatable control area"). Examiner interprets the document of the displayed text to be the display area of the electronic device. Therefore, when the underlying displayed text changes location, the navigation tool may no longer be on that particular underlying area of displayed text. Therefore, the navigation tool location may change in relation to the underlying displayed text and the document ("display area") of the electronic device because the displayed text is apart of the document ("display area of the device").

Applicant argues a skilled artisan would not be motivated to combine the cited teachings as asserted. As pointed out previously the assertion that a skilled artisan would modify Beaton's navigation tool into a progress bar as taught by Andreas to provide the benefit of indicating the status of loading operation of a page in a non-obtrusive way is illogical since Beaton does not discuss any loading of pages such that a progress bar would be necessary. Rather, as Beaton teaches that a user may control the speed of navigation, the document being navigated would already be loaded (column 6, lines 11-24). The relied-upon portion of Beaton at columns 5-6 does not teach using the navigation tool during loading of a page and instead merely teaches that the navigation tool may be used to move a viewing window to the next page of a document. There is no indication that the page must be loaded in response to using the navigation tool in order to move to the page. Instead, the entire document appears to be already loaded so that the user may merely move to the next page instead of having to wait while the page loads to the device display, e.g., a continuous touch provides for scrolling through succeeding pages of the underlying document (Beaton, column 6, lines 6-9). For at least the above reasons, the asserted motivation for modifying Beaton's navigation tool does not exist in Beaton; therefore, it has not been shown that a skilled artisan would have modified Beaton as asserted. (see Response Page 9 1st full paragraph)

Examiner respectfully disagrees.

For the sake of argument, even if the multi-page document appears to be already loaded, the multi-page documents would have at least needed to be loaded at least once in order to view the pages. In other words, even if each page is not loaded in response to clicking on either the previous or next page icon, it would have been obvious to one of ordinary skill in the art at the time of the invention to load the multi-page document all at once when the multi-page document is first viewed. For example, Beaton teaches the navigation tool to be capable of having a home function. When the user clicks on the home function for the first time, the loading of the web page must take place at least once in order for the electronic device as taught Beaton to store the web page in the SRAM memory or FLASH memory. Therefore, Beaton does suggest at least one load operation for viewing a web page for the first time using the home function of the navigation control. Examiner submits that the loading of a multi-page document at least once for a small electronic device with limited memory as anticipated by Beaton serves as the necessary time-consuming load operation initiated by the navigation tool which would benefit from the progress bar as taught by Andreas.

Accordingly, Examiner maintains rejection and that the motivation to combine is proper.

Continuation of 13. Other:

Examiner withdraws objection to Drawings based on Applicant's Remarks on Figure 1. (see Response dated 10/26/2007).